



TO: Sen. Ed Meyer and Rep. Linda Gentile, Chairmen,  
and Members of the Committee on the Environment

**RE: Public Hearing February 28**

*Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.*

Dear Sen. Meyer, Rep. Gentile, and Members of the Environment Committee:

**FRACKING WASTE:** Rivers Alliance writes in support of RB 237, AAC Prohibiting the Storage or Disposal of Fracking Waste in Connecticut. The intention seems to be to place an outright ban on importing fracking waste into this state. We support at this time a ban, as opposed to relying on regulation, because as yet the components and toxic potential of the return water and process water in fracking for natural gas are not fully identified or understood. Existing treatments are limited and disposal methods raise numerous concerns for health and the environment. Moreover, Connecticut's regulatory resources are already overwhelmed by contamination of water and soil. Even if there were a safe way to manage fracking waste, we do not have the enforcement capability to ensure safe management. Before we consider any waste import, we need to make more progress on cleaning up brownfields, superfund sites, contaminated aquifers, and so forth. We are a small, densely populated state. In zoning law, the parallel situation would be a hardship based on the character of the land. We cannot afford to take in more waste without endangering the health of residents.

We do recommend, however, that the committee consider incorporating precise definitions into the bill, and also review whether the definition by reference to 40 CR Part 261.4 (b)(5) is adequately focused. For example, I am not sure if the present language covers transportation of fracking waste (it probably should); or whether it covers waste associated with geothermal development (probably not a good idea).

Finally, industry has set up a web site ([www.FracFocus.org](http://www.FracFocus.org)) that is supposed to provide transparency with respect to the chemicals used. Reportedly, there is draft legislation prepared by groups like ALEC to legitimize disposal of fracking waste on the grounds that, with this transparency, states will know what they need to do to protect their citizens. I did not find the site particularly user friendly or adequately informative. It might make a good starting point for

research in some cases. But posting is voluntary, relative quantities are not apparent, proprietary information is withheld, and so forth. There is a Harvard Law School study that is highly critical. The URL is

<http://blogs.law.harvard.edu/environmentallawprogram/files/2013/04/4-23-2013-LEGAL-FRACTURES.pdf>

There are also dozens of industry responses, if you are short of reading material.

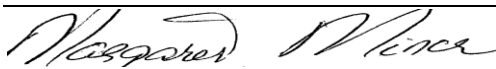
HB 5308, AAC The Regulation of Fracking Waste is commendable in that it clarifies that DEEP has the authority to regulate the waste as hazardous; we support this clarification, but strongly believe that regulation alone in Connecticut at this time will not protect public health and the environment if fracking waste is imported here. We also feel that writing and implementing the regulation would put an excessive financial and general resource burden on the state.

**MARINE OIL SPILLS.** We do not support the language in HB 5307 relating to the use of booms to contain oil or petroleum spills. Booms are an established containment tool, and the state has a strong interest in protecting the Sound and upstream waters for recreation, fisheries, and wildlife. Contamination of the Sound is recognized as adverse to the state's economic interest. Reportedly, the reason for the proposal in this bill is a safety concern associated with the accumulation of vapor in the area of a flammable spill. If there is evidence of an unacceptable risk to responders and the community, we ask the committee to inquire what precautions are taken in other harbors. An uncontained spill would do serious harm.

**BOTTLE BILL EXPANSION:** We support RB 67. Beverage containers litter shorelines and water bodies. As someone who counts on Red Bull to survive public hearings, I cannot understand why there's no deposit-and-return on this beverage, but there is on Diet Coke. My town puts out receptacles for deposit containers, with the proceeds going to charity.

Thanks for your attention, and for your hard work on behalf of the environment. We'd be pleased to answer questions or help in any way.

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